

November 23, 2005

Ms. Mary L. Cottrell, Secretary  
Department of Telecommunications and Energy  
One South Station, 2<sup>nd</sup> Floor  
Boston, Massachusetts 02110

RE: Berkshire Gas Company, D.T.E. 05-58

Dear Ms. Cottrell:

Enclosed please find the Attorney General's First Set of Document and Information Requests in the above matter.

Sincerely,

Colleen McConnell  
Assistant Attorney General

enclosure

cc: John J. Keene, Jr., Hearing Officer  
Service list

COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

---

The Berkshire Gas Company

---

)  
)  
)

D.T.E. 05-58

ATTORNEY GENERAL'S FIRST SET OF  
DOCUMENT AND INFORMATION REQUESTS

The following are the Attorney General's First Set of Information Requests in the above captioned proceeding.

INSTRUCTIONS

1. These Document and Information Requests call for all information, including information contained in documents, which relates to the subject matter of the requests and which is known or available to the Berkshire Gas Company (the "Company") or to any individual or entity sponsoring testimony or retained by the Company to provide information, advice, testimony or other services in connection with this proceeding.
2. Where a Request has a number of separate subdivisions or related parts or portions, a complete response is required to each such subdivision, part, or portion. Any objection to a Request should clearly indicate the subdivision, part, or portion of the Request to which it is directed.
3. If information requested is not available in the exact form requested, provide such information or documents as are available that best respond to the Request.
4. These requests are continuing in nature and require supplemental responses when further or different information with respect to the same is obtained.
5. Each response should be furnished on a separate page headed by the individual Request being answered. Individual responses of more than one page should be stapled or bound and each page consecutively numbered.

6. Each Document and Information Request to "Please provide all documents..." or similar phrases includes a request to "identify" all such documents. "Identify" means to state the nature of the document, the date on which it was prepared, the subject matter and the titles and the names and positions of each person who participated in the preparation of the document, the addressee and the custodian of the documents. To the extent that a document is self-identifying, it need not be separately identified.
7. For each document produced or identified in a response which is computer generated, state separately (a) what types of data, files, or tapes are included in the input and the source thereof, (b) the form of the data which constitutes machine input (e.g., punch cards, tapes), (c) a description of the recording system employed (including descriptions, flow charts, etc.), and (d) the identity of the person who was in charge of the collection of input materials, the processing of input materials, the data bases utilized, and the programming to obtain the output.
8. If a Document and Information Request can be answered in whole or part by reference to the response to another Request served in this proceeding, it is sufficient to so indicate by specifying the other Request by participant and number, by specifying the parts of the other response which are responsive, and by specifying whether the response to the other Request is a full or partial response to the instant Request. If it constitutes a partial response, the balance of the instant Request must be answered.
9. If the Company cannot answer a Request in full, after exercising due diligence to secure the information necessary to do so, state the answer to the extent possible, state why the Company cannot answer the Request in full, and state what information or knowledge is in the Company's possession concerning the unanswered portions.
10. If, in answering any of these Document and Information requests, you feel that any Request or definition or instruction applicable thereto is ambiguous, set forth the language you feel is ambiguous and the interpretation you are using responding to the Request.
11. If a document requested is no longer in existence, identify the document, and describe in detail the reasons the document is unavailable.
12. Provide 2 copies of all requested documents, even bulk responses. A response which does not provide the Attorney General with the responsive documents, and requests the Attorney General to inspect documents at any location is not responsive.

13. If you refuse to respond to any Document and Information Request by reason of a claim or privilege, or for any other reason, state in writing the type of privilege claimed and the facts and circumstances you rely upon to support the claim of privilege or the reason for refusing to respond. With respect to requests for documents to which you refuse to respond, identify each such document.
14. Each request for information includes a request for all documentation which supports the response provided.
15. If the response contains attachments with confidential material and the cover sheet with the request is filed separately from the public filing, provide a copy of the cover sheet with the confidential attachment.
16. The term "Company" refers to the Berkshire Gas Company. Unless the request specifically provides otherwise, the term Company includes all witnesses, representatives, employees, and legal counsel.
17. Please furnish each response on a separate sheet of paper, beginning with a restatement of the question.
18. Please submit responses within 10 calendar days of receiving the request, as directed by the Hearing Officer in the Ground Rules.

COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

_____	)	
The Berkshire Gas Company	)	D.T.E. 05-58
_____	)	

ATTORNEY GENERAL'S FIRST SET OF  
DOCUMENT AND INFORMATION REQUESTS

The following are the Attorney General's FIRST SET of DISCOVERY in the above referenced docket.

- AG-1-1 Does the proposed contract contain any provisions that would impose any financial liability on Berkshire should Tennessee be unable to complete the ConneXion Project? If yes, please identify the specific provisions and quantify the Company's maximum liability.
- AG-1-2 Refer to Ms. Zink's testimony, p. 7. Please explain, in detail what actions the Company has taken to restore, in whole or in part, the benefits that the Company enjoyed under agreements with the Pittsfield generator. Include the status of any pending claims.
- AG-1-3 Please provide a copy of the AFPA. Include copies of the original agreement and all amendments. Include a brief history of the Company's relationship with the generator and how the AFPA came into being.
- AG-1-4 Refer to Ms. Zink's testimony, p. 8, lines 14-21. Please explain what is meant by the statement "...Dracut supply is never, as a practical matter, 'firm' and would likely be interrupted...?"
- AG-1-5 Has the Company attempted to contract for supply at Dracut? Please provide copies of contracts related to purchasing gas at Dracut or priced based on Dracut prices. Explain any problems the Company has encountered with purchasing supplies at Dracut.
- AG-1-6 Refer to Ms. Zink's testimony, p. 9, lines 14-26. Please provide a copy of the Department's approval of the Distrigas contract. Include the original and all amendments.

- AG-1-7 Refer to Ms. Zink's testimony, p. 9, lines 14-26. Please provide the actual monthly cost of the Distrigas contract for each component, demand and commodity, and the volumes delivered during the term of the contract.
- AG-1-8 Refer to Ms. Zink's testimony, p. 11, lines 17-23. Please provide a status report on what arrangements the Company has made to replace the AFPA resource until the ConneXion capacity is available.
- AG-1-9 What supply arrangements does the Company anticipate making to utilize the ConneXion capacity, if the Department approves the Company's proposed contract? Explain how the Company proposes to obtain the related supply, the term of any supply contracts that the Company contemplates and the pricing arrangements.
- AG-1-10 Refer to Ms. Zink's testimony, p. 13, lines 22-25. Please provide the "detailed cost and non-cost analysis" to which Ms. Zink refers.
- AG-1-11 Please provide the economic analysis comparing the cost of gas, including the pipeline transportation costs, of using the ConneXion as the sole substitute for the AFPA (load factor should reflect the use as a peaking resource).
- AG-1-12 Please provide copies of all supply and transportation agreements that the Company has entered into to replace the Pittsfield cogeneration facility volumes for the winter of 2005/06. Provide the estimated cost of these supplies and delivery services for the winter 2005/06. Include all calculations, workpapers and assumptions.

Date: November 23, 2005

COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

_____	)	
The Berkshire Gas Company	)	D.T.E. 05-58
_____	)	

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day caused the foregoing document to be served upon each person on the service list compiled by the Secretary in D.T.E. 05-58. Dated at Boston this 23rd day of November, 2005.

\_\_\_\_\_  
Colleen McConnell  
Assistant Attorney General  
Office of the Attorney General  
Utilities Division  
One Ashburton Place  
Boston, MA 02108  
(617) 727-2200